

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28364 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SAMASTIPUR GRP CASE District-SAMASTIPUR

1. Sujit Kumar @ Sujiya, son of Ram Pravesh Rai, resident of Village-Vidyapati Dham, P.S. Vidyapati Dham, District Samastipur.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is languishing in custody since 15-05-2016 in a case registered for the offences punishable under Section 3 R.P. (U.P.) Act.

The prosecution case as lodged on 10.4.2016 on the basis of the written petition by one Ram Nath Ram, Head Constable, Railway Protection Force, Vidyapati Dham Station is that on 09.04.2016 they heard a sound of KHAT-KHAT on a train and after chase, saw some persons with plastic bags on their head were fleeing away. The informant among the fleeing accused persons identified the petitioner. The seal of the wagon was found

to be broken and five plastic bags of sugar was found on the railway yard weighing 50 Kg each. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and nothing incriminating has been recovered from his conscious possession and that his father has got saw mill near the railway station, hence he has been falsely implicated.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since nothing incriminating has been recovered from the possession of the petitioner and considering the period of custody, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Rail) in connection with R.P.F. Post Hazipur Case No. 01/2016.

(Nilu Agrawal, J)

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